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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**DAVE’S DRIVING SCHOOL, LLC; DAVID B.  
MCCONNELL; and DR. LISA A. MCCONNELL,**

**Plaintiffs,**

**v.**

**UTAH DEPARTMENT OF PUBLIC SAFETY;  
DIVISION OF MOTOR VEHICLES; DRIVER’S  
LICENSE DIVISION; CHRISTOPHER CARAS;  
TARA ZAMORA; DAVE TAFOYA; KAMIE  
BELL; COULTER BALDES; and UNKNOWN  
DOES,**

**Defendants.**

**ORDER AFFIRMING AND ADOPTING  
REPORT & RECOMMENDATION**

**Case No. 2:24CV00178-DAK-JCB**

**Judge Dale A. Kimball**

**Magistrate Judge Jared C. Bennett**

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This case was assigned to United States District Court Judge Dale A. Kimball and referred to United States Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B).<sup>1</sup> On February 27, 2025, the Magistrate Judge entered a thorough Report and Recommendation, recommending that:

1. The Entity Defendants and Individual Defendants’ Motion to Dismiss [ECF No. 14] be granted;
2. Dave’s Driving School’s claims be dismissed without prejudice because it cannot appear pro se;
3. The McConnell Plaintiffs’ federal claims be dismissed with prejudice for failure to state claims upon which relief can be granted;

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<sup>1</sup> ECF No. 5.

4. The McConnell Plaintiffs' state-law claims be dismissed without prejudice because the court should decline to exercise supplemental jurisdiction over those claims without any viable federal claims;
5. Plaintiffs' motion for leave to file an overlength sur-reply on the Entity Defendants and Individual Defendants' motion to dismiss [ECF No. 17] be denied; and
6. Plaintiffs not be permitted to file their amended complaint.<sup>2</sup>

The Report and Recommendation notified the parties that any objection to the Report and Recommendation must be filed within fourteen days of being served with a copy of the Report and Recommendation.<sup>3</sup> Because Plaintiffs elected to be served by email, they were served on February 27, 2025. Over fourteen days have elapsed, and the court has not received an objection.

"In the absence of timely objection, the district court may review a magistrate [judge's] report under any standard it deems appropriate." *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991); *see also Thomas v. Arn*, 474 U.S. 140, 150, (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). The court is convinced that Judge Bennett's Recommendation is sound and that there is no clear error on the face of the record. *See Fed. R. Civ. P. 72(a)*. This court would also affirm the recommendation on a de novo standard of review.

Accordingly, the court affirms and adopts Magistrate Judge Bennett's Report and Recommendation [ECF No. 21] in its entirety. The Entity Defendants and Individual Defendants'

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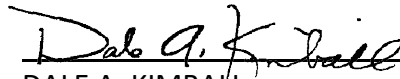
<sup>2</sup> ECF No. 21.

<sup>3</sup> Plaintiffs elected to file documents by email, receive electronic notification of case activity, and be served by email in this case. *See* ECF No. 3.

Motion to Dismiss [ECF No. 14] is GRANTED. Dave's Driving School's claims are dismissed without prejudice because it cannot appear pro se, the McConnell Plaintiffs' federal claims are dismissed with prejudice for failure to state claims upon which relief can be granted, and the McConnell Plaintiffs' state-law claims are dismissed without prejudice because the court declines to exercise supplemental jurisdiction over those claims without any viable federal claims. Additionally, Plaintiffs' motion for leave to file an overlength sur-reply on the Entity Defendants and Individual Defendants' motion to dismiss [ECF No. 17] is DENIED; and Plaintiffs are not permitted to file their Amended Complaint.<sup>4</sup>

DATED this 18th day of March 2025.

BY THE COURT:

  
DALE A. KIMBALL  
United States District Judge

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<sup>4</sup> ECF No. 19.